

52324

Response to Comments  
Superfund Public Meeting

December 8, 1982

**U.S. v. AVX Original  
Litigation Document**

Appendix A

Meeting Summary  
Written Submittal

SUMMARY OF PUBLIC MEETING  
ON ACHUSHNET ESTUARY CONTAMINATION

AT NEW BEDFORD, MASSACHUSETTS

DECEMBER 8, 1982

Remarks of Government Officials

Merrill S. Hohman, Director  
Waste Management Division  
U.S. Environmental Protection Agency, Region I

Review of "Superfund" legislation and National Contingency Plan: The \$1.6 billion fund, to be built up over five years with tax on production of certain chemicals (85%) and general revenues (15%), may be used for hazardous site cleanup only as a last resort after failure of effort to obtain voluntary or legally ordered cleanup by responsible parties. EPA and the states will identify at least 400 priority sites across the country. New Bedford is on interim priority list of 160 sites, and therefore eligible for funding. The federal objective is to identify and implement the least expensive proven technology that will adequately protect public health and the environment. First, a Remedial Action Master Plan (RAMP) describes the alternative technologies and the steps needed to analyze them. A remedial investigation of air, water and sediment contamination is followed by a feasibility study to determine the cost of the various options. This leads to the choice of a remedy, engineering design and construction. The elapsed time from the start of investigation and planning to the completion of construction for the average site is estimated at 44 months.

The state pays 10 percent of the cost of remedial action and must concur in the choice of a remedy. If the plan calls for removal, the state must provide a site for disposal of waste. Remedial action is carried out under a cooperative agreement if the state takes the lead or under a contract with the state if EPA takes the lead. This is the first of many public meetings and public comments are solicited as to the ultimate remedy to be selected. Health studies are the responsibility of the state Department of Public Health and U.S. Centers for Disease Control.

Paul T. Anderson, Regional Engineer  
Massachusetts Department of Environmental Quality Engineering  
(DEQE)

A sampling of Acushnet Estuary in 1976 revealed the highest level of polychlorinated biphenyls (PCBs) in soft shell clams ever reported in the United States. In 1982 the Coast Guard drew one harbor

sample that tested at 190,000 parts per million (probably a discarded capacitor). Malcolm Pirnie, consultant to Massachusetts DEQE, estimated the cost of dredging 6 million cubic yards of sediment at \$130 million. The priority objective must be the identification of a disposal area for contaminated dredge spoil.

Russell Issac  
Massachusetts Division of Water Pollution Control (DWPC)

Five-day sampling of New Bedford sewage treatment facilities--influent and effluent--revealed presence of PCBs. No detectable amounts were found in the Fairhaven sewage treatment system.

Dr. Norman Telles, Director  
Division of Environmental Health Assessment  
Massachusetts Department of Public Health

The Department's plan for a clinical study of the health effects of PCBs has been submitted to the Centers for Disease Control for funding. The proposal is an outgrowth of a 1981 study of 51 New Bedford area volunteers including persons of no known exposure to PCBs, persons employed in plants that used PCBs prior to the national ban in 1977 and persons who frequently ate fish or lobsters caught in parts of the estuary and harbor now closed to fishing and lobstering. The last group showed PCBs in blood serum in excess of 30 parts per billion--higher than 99 percent of the U.S. population. Other clinical studies have reported that high PCB levels suppress liver enzymes and elevate blood pressure. The New Bedford area clinical study would serve to confirm or deny these findings. DPH is also considering an epidemiological study of disease and mortality.

Lobsters in closed "Area Three" in New Bedford Harbor measured from 0.7 parts per million (ppm) to 6.1 ppm with an average of 3.0 ppm for samples taken in the summer of 1982. Fall 1982 samples averaged 4.3 ppm, and spring samples averaged 5.5 ppm. The enforceable level permitted by the U.S. Food and Drug Administration is 5.0 ppm. FDA's proposal to lower the limit to 2.0 ppm was stayed by legal action and a temporary court order. Further studies in "Area Three" will be conducted to document seasonal trends in PCB levels in lobsters. DPH is working to develop recommendations as to a basis for reopening the outer harbor to lobstering. It is anticipated that recommendations will be formulated by the spring of 1983.

Gerard Sotolongo, Project Manager  
U.S. Environmental Protection Agency

Air monitoring indicates typical urban levels of PCBs except at Sullivan's Ledge where levels are higher. A consent agreement with Cornell Dubilier and a consent order against Aerovox are in effect.

Cornell Dubilier has completed its agreed tasks except for final testing, and Aerovox is conducting additional tests to be reported in February, 1983. A draft of the RAMP is due in mid-January, 1983 and may be seen at information depositories in New Bedford and Fairhaven (Public Libraries and Boards of Public Health). Final RAMP is due in mid-February after consideration of citizen comments. Field studies and feasibility studies will start in the spring of 1983 and be completed in the fall of 1984, to be followed by engineering design and construction. Different remedies will be considered in different sections of the Acushnet estuary and contiguous land areas.

### Discussion

Walter Barlow of the Massachusetts Lobstermen's Association and Charles Connor, a lobsterman, asked for economic relief and specifically to participate in harvesting specimens for analysis, or for marketing after removal of contaminated portions. There is no provision for economic relief, according to Leigh Bridges of the Massachusetts Division of Marine Fisheries. Mel Hohman of EPA said Congress was debating the allowance of claims for economic damage, but there was no law on the books at present for recovery of these damages.

In answer to questions by Donald Dumont and Charles Arendt, Sololongo reviewed a preliminary written report on air pollution monitoring which showed that all points except Sullivan's Ledge were within the range of typical PCB levels in urban areas. Anderson of Massachusetts DEQE noted that the landfill at Sullivan's Ledge is covered with six inches of new fill. Sololongo agreed that contaminated mudflats dry out at low tide and PCBs, although not particularly volatile, could be carried on blown particles of dry silt. He said PCBs have low solubility in water but strong affinity for solids, including particles of silt.

June DeBarros of Fairhaven presented a map of the area with pins denoting cases of children's cancer and asked that a health study be conducted. Dr. Telles agreed to take the map, noted that there was abnormally high incidence of leukemia in Fairhaven, but not related to any known environmental cause. Not all disease is environmental in origin, and more often genetic. In answer to Alice Steele's question, Dr. Telles said Massachusetts had a cancer registry, but not specifically for environmental cancers. It often takes 10 to 20 years for a cancer to develop and the environmental cause is usually forgotten. Cancer patients are routinely asked about exposure to benzene, a known carcinogen, in compiling case histories. The Health Department takes measures to protect the public against harmful chemical agents. Hohman said the environmental agencies had the same objective.

Dr. Philip Gidley urged containment of waste within New Bedford Harbor and that a disposal site should be reserved now, possibly on Marsh Island which could then be capped and used later for a playground. Hohman said this may be possible.

Eugene Grace quoted a statement in the May 1981 issue of Environment Magazine stating that 75% of PCBs were still being discharged to sewage treatment plants despite the ban on PCB discharge. Hohman replied that municipalities are responsible for controlling discharges to sewers, and, even if controlled since 1977, sewer lines still contain accumulated sediment contaminated with PCBs. Hohman noted that manufacture of PCBs was banned in 1977 but that the substance remains in use in equipment produced before then, including electric capacitors, transformers and fluorescent light fixtures. Sotolongo said dioctyl phthallate had been substituted for PCBs as a fire resistant insulating compound in capacitors. He agreed to check on the regulatory status of the substitute compound.

In answer to questions of Grace, Fairhaven Selectman Walter Silveira and Liz Dicarlo, Telles reported that the health studies conducted this year involved 39 men and 12 women, that PCB levels in blood serum ranged from 2 parts per billion (ppb) to 343 ppb, that 19 exceeded 30 ppb. The average level is 2 ppb to 5 ppb for urban Americans. He promised Grace a copy of the report. Responding to a question from Angela Days, Telles agreed that studies of children and fetuses were indicated, but that there were not "significant numbers" of parents who had been exposed to PCBs. A survey of nine obstetricians involved in 1800 births a year turned up only 8 percent, or 160 mothers, who had worked at one of the PCB-using plants before 1977 or eaten fish or lobster from the contaminated zone. He said at least 400 pregnant women exposed to PCBs would be needed for a valid study over a four-to-five year period with follow up on children's physical and mental development. He said he had proposed instead a random health study which is certain to include a sufficient number who worked at one of the plants or ingested PCBs in fish or lobster. The random study may turn up a sufficient number of handicapped children to conduct a study of possible association with PCB exposure. The proposal is now being reviewed by CDC for possible funding.

Nate Bekemeier, asking why Cornell Dubilier and Aerovox were not represented at the meeting, was told that the companies had been very cooperative with DEQE and EPA.

Illegal taking of quahogs continues, according to several citizens. Bridges of the Massachusetts Division of Marine Fisheries said this was the responsibility of the shellfish wardens. It was brought out by Fairhaven Selectman Chairman Roland Seguin that six persons had been arrested for illegal taking of shellfish, but that the outcome of their cases was not known. Dr. Telles remarked that signs in English and Portuguese warning people away from the areas are repeatedly torn down. He said bilingual educational posters and a pamphlet are being prepared for wide circulation.

Sotolongo said heavy metal would be included in further studies of air and water contamination, along with PCBs.

Walter Silveira protested the estimated four-year wait for completion of remedial action and urged immediate dredging and disposal at Marsh Island, costing an estimated \$130 million. Hohman answered that there were 10,000 hazardous waste sites across the country and that if EPA could find a \$20 million dollar solution instead of one costing \$130 million, it would leave \$110 million for use at other sites. Hohman noted that contractors had no experience with tasks such as this and contrasted the remedial program to planning and constructing a new school building, which he said took at least four years, even though architects and contractors were experienced in designing and building schools. Representative Roger A. Goyette noted that five years of work had been done at the site and praised the efforts of volunteers in organizing the health study.

Selectman Seguin of Fairhaven raised questions of PCBs carcinogenicity and regulations controlling their discharge prior to 1977. Figler said experimental rats would get cancer if they were fed PCBs in the concentrations that exist in Acushnet River sediments. Sotolongo said regulations were in effect prior to 1977 controlling direct discharge of PCBs. Charles Bering, an EPA lawyer, said there was no record of any violation of regulations by Cornell Dubilier or Aerovox. Seguin urged the government to "act now, not 36 months from now". He asked for a full health study. He also called for cleanup action at Atlas Tack Company in Fairhaven which he said was a major source of pollution.

Robert Davis asked for calm in viewing the situation, noting that PCB levels in Acushnet sediments are lower than in the Hudson and PCB levels in marine life are lower than in the Hudson and the Great Lakes. A Connecticut health study revealed no adverse effects of PCBs in the Housatonic River. Human blood serum levels, he said, were lower in the New Bedford area than found in studies in Australia and the State of Indiana.

Channing W. Hayward, Fairhaven Planning Board, inquired as to the amount that would be available to New Bedford from Superfund. Hohman replied that the answer would come when EPA knew what the job would cost and what other demands there were on the fund.

Judith Tonnesson complained that EPA was negotiating privately with the companies and not fully informing the public. She presented a list of questions to Hohman, and he agreed to answer by mail.

John Baptista quoted reports of toxic waste coverups in Japan and Canada and spoke against the siting of a hazardous waste facility (Liquacon) in the New Bedford area. Hohman said EPA had no jurisdiction over siting of facilities. In answer to Baptista's further questions, Hohman said hazardous waste facilities would be required to carry liability insurance against both sudden and long

term releases to the environment, and to post a bond to assure proper closure and long term monitoring of the facility.

General Counsel to the Massachusetts Lobstermen's Association, Leonard Rhodes, asked for information that lobstermen would need to sue for damages. Hohman said the information was currently in the process of being computerized and would be available to the public except for information still being used in enforcement actions and proprietary information. Representative Goyette said he was working on the release of information to the public.

In answer to questions from Liz DiCarlo, Hohman said that both Cornell Dubilier and Aerovox were subject to further enforcement action. Goyette said his records showed that there were violations of discharge permits by the companies. Hohman asked to inspect these records. Hohman explained that EPA could negotiate for private party cleanup, proceed to use Superfund and then sue for recovery, or take a generator to court at the outset. He said it depended on the type of evidence and the financial resources of individual companies.

John Bullard urged early action before the pressure for waterfront development came into conflict with the need for harbor sites to dispose of contaminated dredge spoil. He said the pressure for development was temporarily reduced by the economic recession, but would build up again and would erode support for estuary cleanup if a conflict arose.

Representative Goyette said he would oppose any plan that would delay action for 44 months. He demanded an immediate health study. He said that this was probably the only site in the country where the people were "willing to swallow their own filth" by disposing of contaminated dredge spoil within the harbor area. He warned of another hurricane like those of 1938 and 1954 and what it would do to contaminate Buzzards Bay.

December 8, 1982

*David from  
Mrs. Townsend*

Here in New Bedford, once the whaling capitol of the world, approximately 200 vessels fish off of George's Bank every week. About 1,000 fishermen go to sea to make a living and each time they go to sea they each create nine other jobs ashore. These are people in our area who make their living hand in hand with the fisherman's occupation. Also, there are many new fishing vessels which have been constructed ranging in cost from \$500,000 to \$1,000,000 a piece. These people have invested everything they are and everything they own into the fishing industry. This industry is a very crucial economic package to our area.

Once you start stirring up the inner harbor, where are our boats supposed to dock? Are you going to put up a screening device to keep the contents from leaving the dike entrance? Will you close the dike during dredging hours to allow the bottom to settle back down before you open the gates? Did you know that when scientist from Woodshole were researching samples from our inner harbor, they had to be very careful not to contaminate their test equipment? They had to be careful, so that the testing done in the outer harbor would not be contaminated by instruments used in the sampling of the inner harbor. Did you know that shellfish, and lobsters suffer reproductive failure when they contain 10-20 ppm? Did you know that the mother transfers PCBs to fish eggs and lobster eggs? How are our fishermen and the fishing industry going to beat those odds if you do not handle this situation properly?

Did you know that New Bedford is having serious problems with their sewer treatment plants? Did you know that on March 1, 1982 the Town Planner of Fairhaven reported hazardous waste being dumped off River Avenue? Did you know that River Avenue is near the hot spot locations? At an EPA meeting some of your people told us that one of the more serious waste problems can be created by dumping crankcase oils. How many other people dumped this type of waste into our harbor full of PCBs and what chemical reactions are taking place because of it?

Did you know that on the Fairhaven side of the harbor where Fairhaven Marine is presently located, that building used to be the old Atlas Tack Co? Right next door was a candle factory, down the street was an oil refinery, a brass factory and and iron foundry. Did you know that on Middle and Main Sts. there was a granite factory, a paint factory and a glass factory and we even had our own soap factory in town? Why are these questions relevant? I believe when you start breaking down what products were made, what chemicals were used to manufacture those products and finally where they were dumped it's going to make a difference in how you handle those PCBs.



In researching the various industries in Fairhaven I have learned that the following chemicals may have been used in the manufacture of certain products. Some can be quite lethal, however I will leave that up to more knowledgeable people to determine. Chlorine, copper, fluorine, hydrochloric acid, carbon, silicon, manganese, phosphorus, sulphur, white lead, spar oil, mercury, nickel, benzene, benzol, caustic alkalies, coal tar, fats, naphtha, tannin, iron, cadmium, chromium, toluene, ethyl benzene, xylenes, oil and grease.

Have you discovered whether or not PCBs have a catalytic affect when mixed with other chemicals? That was one question I asked some of you people six months ago at an open meeting, but I never did get an answer. Aerovox and Cornell Dubilier are always mentioned at these hearings but never Revere Copper and Brass. Why? It is a known fact to most cooks that the action of vegetable acids on copper metal produces poisonous compounds similar to verdigris.

How would such a chemical react when mixed with PCBs?

We know that when ammonia from cow manure rises with condensation and merges with sulphur dioxide emissions the two chemicals create an acid which can pollute our lakes and streams. But what will happen to PCBs when they merge with sulphur dioxide? What can these two chemicals produce?

Is there any truth to a statement made that 55% of the patients from Sydney Farber are from this area? If it is true then I would ask how many other patients are in other Boston or Providence hospitals from this area?

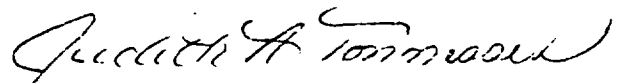
Have you taken hair samples from the employees and families from the different companies in the area? Have hair studies been used to determine what you should be looking for as a possible health threat? Wouldn't it be a lot simpler to find out what chemicals are in these people's systems before you start drilling or dredging outside?

In the Nov. 18th issue of the ST we see the EPA and news reporters standing around the Re-Solve site in Dartmouth with their white contamination suits. Visitors were required to wear yellow rubber boots and white hooded gowns. Even then a southern swatch of the site was off limits because of the high concentrations of PCBs. Our harbor contain ten times that amount! Where are the chain fences to keep our children away from the harbor? Where are our white suits and rubber boots? Is it true that four to six companies were asked to come up with solutions for the RAMP proposal and that none of these companies co-ordinated their efforts? Is it true that the companies participating are each getting a quarter of a million dollars for their participation in the study?

I have been trying to explain to you, in my own fashion, that we have a serious health factor here! Yet we are barred (along with the press) from DEQE meetings in Lakeville while they negotiate privately with a co. who has showed indifference to the well being of the citizens and to the coastline eco system. We need answers, but more than that we need action. Action that will show some positive results. We don't want this project dragged on, we want a reputable company in to clean up this mess so we can get on with our lives in a healthier climate.

My generation has expanded it's horizons to discover the truth regarding all environmental issues affecting health, once that truth is discovered we will make every committment that our children will be protected. We have set a goal to keep things in good order for them and to help them as best we can. We will also be helping to protect your children in the process, thereby we all benefit. Please search your souls and ask yourselves why you really came here this evening.

We in Fairhaven met with you last summer. We responded to the health issues and asked many questions. Since that meeting we haven't heard from any of your officials unless we called them ourselves. The people of my town responded to a cancer survey in good faith and they deserve answers to their inquiries. Why haven't we received answers, we can only speculate. Perhaps it was politically beneficial to silence the issue expediently. Maybe friends stand to make a tidy profit on the studies, on the dredging and also on the building of the new bridge, which has been a joke since day one. Local politicians tell themselves that this project is in the best interest of the people and that it will create new jobs. Then let me ask, what good will the new jobs be to anyone if the harbor is not cleaned up and they are too sick to work? Thank you.



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